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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,650	12/10/2001	Masanori Ohtsuka	2975.0012	2195

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EXAMINER

SMITH, ARTHUR A

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

10/006,650

Examiner

Arthur A Smith

Applicant(s)

OHTSUKA, MASANORI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Ref. 11, 12, 13, and 14 discussed on page 10, paragraph 63. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: Page 5 has a black line running through the entire page.

Appropriate correction is required.

The abstract of the disclosure is objected to because abstracts are to be no more than 150 words (new rule 1.72b). Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

Claims 5, 6, 8, 9, 14, 16, 17, 22, 24, 26, 27, 32, 34, 36, 37 are objected to because of the following informalities: change "sum of outputs from photoelectric conversion means" to --sum of outputs from a photoelectric conversion means--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Takagi (USPN 5319416).

In reference to claims 1, 10, 18 and 28 Takagi discloses a photometric device, ref. 10, for performing the steps of performing photometry in a predetermined area, ref. F4, of an overall area where photometry can be performed, ref. 1; performing photometry in a plurality of subareas, ref. F1, F2, and F3, formed by dividing at least a part of said predetermined area, col. 4 lines 44-51; and when a difference greater than a predetermined value exists among the photometric results in said subareas, correcting the photometric result in said predetermined area based on the photometric results in said subareas and determining backlight based on the corrected photometric result, col. 4 line 55 - col. 5 line 4.

In reference to claims 2 and 11 Takagi discloses wherein the photometric result in said predetermined area is corrected on the basis of a ratio of an average value of the photometric results in said plurality of subareas to a value indicating the highest luminance or lowest luminance of the photometric results in said plurality of subareas, col. 5 lines 5-64.

In reference to claims 3 and 12 Takagi wherein the photometric result in said predetermined area is corrected on the basis of a proportion of photometric results falling within a predetermined high-luminance range or low-luminance range of the photometric results in said plurality of subareas.

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In reference to claims 4, 13, 23 and 33 Takagi discloses wherein backlight is determined when a difference greater than a predetermined reference value exists between the photometric result in said predetermined area and a photometric result in a peripheral area around said predetermined area, col. 5 lines 27-32.

In reference to claims 5, 22 and 32 Takagi discloses a plurality of photoelectric conversion means, ref. B1-B24, arranged on the overall area where photometry can be performed, wherein a sum of outputs from photoelectric conversion means included in said predetermined area of said plurality of photoelectric conversion means or a value corresponding to an output indicating the lowest luminance of the outputs from the photoelectric conversion means included in said predetermined area is used as the photometric result in said predetermined area, col. 4 lines 14-18 (shows the sum of certain conversion means representing the predetermined area), and values corresponding to the outputs from the respective photoelectric conversion means included in said predetermined area are used as the photometric results in said subareas, col. 4 lines 44-54.

In reference to claims 6, 14, 24 and 34 Takagi discloses a plurality of photoelectric conversion means, ref. B1-B24, arranged on the overall area where photometry can be performed, wherein a sum of outputs from photoelectric conversion means included in said predetermined area of said plurality of photoelectric conversion means or a value corresponding to an output indicating the lowest luminance of the outputs from the photoelectric conversion means included in said predetermined area is used as the photometric result in said predetermined area, col. 4 lines 14-18 (shows the

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sum of certain conversion means representing the predetermined area), and a value corresponding to a sum of outputs from photoelectric conversion means other than the photoelectric conversion means included in said predetermined area is used as the photometric result in said peripheral area, col. 5 line 27-40.

In reference to claims 7, 15, 25 and 35 Takagi discloses wherein backlight is determined when a difference greater than a predetermined reference value exists between the photometric result in said predetermined area and a photometric result in said overall area, col. 5 lines 47-64.

In reference to claims 8, 16, 26 and 36 Takagi discloses a plurality of photoelectric conversion means, ref. B1-B24, arranged on the overall area where photometry can be performed, wherein a sum of outputs from photoelectric conversion means included in said predetermined area of said plurality of photoelectric conversion means or a value corresponding to an output indicating the lowest luminance of the outputs from the photoelectric conversion means included in said predetermined area is used as the photometric result in said predetermined area, col. 4 lines 14-18 (shows the sum of certain conversion means representing the predetermined area), and a value corresponding to a sum of outputs from the photoelectric conversion means in said overall area is used as the photometric result in said overall area, col. 5 lines 47-64.

In reference to claims 9, 17, 27 and 37 Takagi discloses wherein a value corresponding to a sum of outputs from photoelectric conversion means included in said predetermined area is used as the photometric result in said predetermined area when at least one of the outputs from the photoelectric conversion means is less than a

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predetermined value, and a value corresponding to an output indicating the lowest luminance of the outputs from the photoelectric conversion means included in said predetermined area is used as the photometric result in said predetermined area when all the outputs from the photoelectric conversion means are greater than the predetermined value, col. 6 lines 23-49.

In reference to claims 19-21 and 29-31, Takagi discloses wherein photometry and distance measurement are performed in each of said plurality of subareas, col. 4 lines 4-14 and lines 44-54.

In reference to 38, Takagi discloses wherein operations for taking pictures are controlled on the basis of at least one of the photometric result in said predetermined area and the backlight determination result, col. 9 lines 23-29.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tokunaga (USPN 4969005) and Ootsuka et al. (USPN 46862206) both discuss the determination of backlighting through the use of photometry subareas.

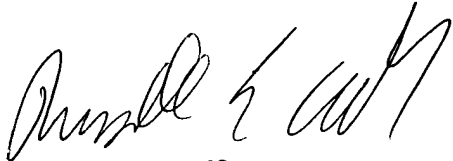
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (703) 605 1228. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308 2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872 9318 for regular communications and (703) 872 9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

AAS  
November 22, 2002



RUSSELL ADAMS  
SUPERVISORY PATENT EXAMINER  
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